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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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January 16, 2008

Hon. Henry B. Pitman
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Kilpatrick v. Barkley, 07-CV-06051 (WHP) (HBP)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. By Order dated November 7, 2007, Your Honor granted respondent's first request for an extension of time to file a response to the petition along with the state court record by January 18, 2008. This letter is to seek a second extension to Monday February 4, 2008 to file a response and the record.

Since respondent's earlier request, I have worked diligently in attempting to meet all of my court obligations. Last month alone, I filed four responses to habeas petitions that pre-date Mr. Kilpatrick's petition. On January 18, 2008, the same date that respondent is to file a response in this case, I have been directed to file a Second Circuit Appellee's Brief. That brief is in the process of being edited. Although I am actively drafting a response to Mr. Kilpatrick's petition, additional time is required to properly brief the issues for Your Honor's consideration.

APPLICATION GRANTED

SO ORDERED

Henry Pitman
HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE

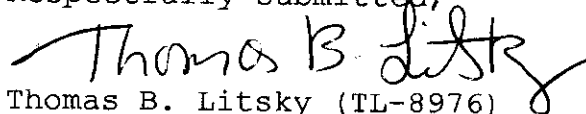
Hon. Henry B. Pitman
United States Magistrate Judge
January 16, 2008
Page 2

Mr. Kilpatrick is on parole, and I have not spoken to him regarding this second request for an enlargement of time.

Although respondent is requesting an enlargement to February 4, 2008, if a response can be filed earlier, it will be.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas B. Litsky". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas B. Litsky (TL-8976)
Assistant Attorney General
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cc: Ceasar Kilpatrick
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